

The McAlester City Council met in a Regular session on Tuesday, September 22, 2015, at 6:00 P.M. after proper notice and agenda was posted, September 21, 2015 at 3:04 P.M.

Call to Order

Mayor Harrison called the meeting to order.

City Attorney William J. Ervin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison

Absent: None

Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, CFO; Brett Brewer, Fire Chief; William Jernigen, Assistant Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Mayor Harrison recessed the Regular meeting at 6:02 P.M., and was reconvened at 6:089 P.M.

Citizens Comments on Non-Agenda Items

There were no Citizen's comments.

Consent Agenda

- A. Approval of the revised Minutes from the August 25, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the August 27, 2015, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the August 31, 2015, Special Meeting of the McAlester Tourism City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for September 1, 2015 through September 15, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$175,052.78;

Parking Authority - \$137.07; Nutrition - \$2,688.96; Landfill Res./Sub-Title D - \$28,742.50; Tourism Fund - \$4,476.87; SE Expo Center - \$23,691.28; E-911 - \$19,522.71; Economic Development - \$22,477.00; Grants & Contributions - \$6,550.00; CDBG Grants Fund - \$8,384.00; Fleet Maintenance - \$9,571.91; Worker's Compensation - \$941.68; CIP Fund - \$140,720.75 and Technology Fund - \$4,586.70.

- E. Consider and act upon, approval of an agreement between the City of McAlester and SimplexGrinnell for Fire Alarm Sprinkler Testing Service at the SE Expo Center. (*Mel Priddy, Community Services Director*)
- F. Consider and act upon, authorizing the Mayor to sign a Contract Agreement with Sooner Recon Roofing, LLC, in the amount of \$18,950.00 for a new TPO roof system for the Genealogy Building. (*Peter Stasiak, City Manager*)
- G. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #4", in the amount of \$356,070.28, for the construction of road and infrastructure improvements related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- H. Consider and act upon, authorization of payment to Weddle Signs, Invoice 67540, in the amount of \$2,260.00, for removal of one message center and I.D. sign in front of Puterbaugh School and removal of one I.D. sign in front of Will Rodgers School, related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- I. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200982-LR. (*Cora Middleton, City Clerk*)

Vice-Mayor Read requested that item "D" be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda items "A, B, C and E through I". There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Titsworth, Karr, Garvin, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- D. Approval of Claims for September 1, 2015 through September 15, 2015. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$175,052.78; Parking Authority - \$137.07; Nutrition - \$2,688.96; Landfill Res./Sub-Title D - \$28,742.50; Tourism Fund - \$4,476.87; SE Expo Center - \$23,691.28; E-911 -

\$19,522.71; Economic Development - \$22,477.00; Grants & Contributions - \$6,550.00; CDBG Grants Fund - \$8,384.00; Fleet Maintenance - \$9,571.91; Worker's Compensation - \$941.68; CIP Fund - \$140,720.75 and Technology Fund - \$4,586.70.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve the Claims for September 1, 2015 through September 15, 2015.

Before the vote, Vice-Mayor Read stated that he had two (2) questions regarding the claims, the payment to Ginny Webb on page seven (7) and the payment for the County incarceration fees on page five (5).

There was a brief discussion concerning the payment to Ms. Webb, what services the City received, the additional administrative staff that had been added to the various departments and tracking Ms. Webb's hours in the future for a more specific invoice.

There was a brief discussion concerning the County incarceration fees, how they were tracked, how the City was informed when an inmate was serving County or City time, the cost to re-open the City's jail and what the City's jail would be used for.

Councilman Smith inquired about the payment to Spectra Group on page nineteen (19) and the claims totals.

There was a brief discussion concerning what the payment to Spectra Group covered and the claims report not having all of the pages. Manager Stasiak informed the Council that a revised claims report would be furnished to the Council.

Councilman Karr inquired about the payment to Harris Construction on page three (3).

Timmy Don Adams, Public Works Operations Supervisor explained it was for hauling gravel and rock for the City. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Titsworth, Karr, Garvin, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

Scheduled Business

1. Discussion and possible action, on acceptance and authorization for the Mayor to sign an agreement between the City of McAlester and Dr. Jason McElyea, as Medical Director for the McAlester Fire/EMS Department. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the agreement.

A motion was made by Councilman Garvin and seconded by Councilman Karr to accept and authorize the Mayor to sign an agreement between the City of McAlester and Dr. Jason McElyea, as Medical Director for the McAlester Fire/EMS Department.

Before the vote, Chief Brewer addressed the Council explaining that the current Medical Director, Dr. Staggs had submitted notice that he would be retiring and resigning effective October 1, 2015. He stated that as an emergency medical provider the Department was required to operate under a medical director's supervision. Chief Brewer added that with several of the Departments medics having advanced their skills and are now at the Paramedics level the Department was looking for a director with emergency medicine experience as well as someone that would be willing to work with the Department to help them better serve the citizens of McAlester. He explained that Dr. McElyea had agreed to act as the Medical Director for the McAlester Fire/EMS Department and they believed that he would be a great asset to the Department.

Mayor Harrison expressed concern about the Professional Medical Service Agreement and commented that it was unclear if the doctor would be an independent contractor or an employee.

Attorney Ervin commented that the agreement was sufficient but that language could be added to the contract and the Mayor could sign below the doctor's signature. He added that the agreement did state that Dr. McElyea would be responsible for his own medical malpractice and liability insurance. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Read, Barnett, Smith, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

2. Discussion and update on Financials. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Discussion

CFO Ervin addressed the Council to update them on the City's financial status as of June 30, 2015. CFO Ervin explained that she had reviewed other cities to see how they reported their finances and had modeled some of her reports after theirs. She then reviewed the various reports that had been produced for the Council's consideration, commenting on any increases in revenues and decreases in expenses.

Mayor Harrison commented on the increase in Police Fines in fiscal year 2014-2015 and Councilman Smith thanked CFO Ervin for the information that had been furnished in the reports.

There was no action taken on this item.

3. Consider and act upon, Change Order No. 4 to the contract with Carstensen Contracting, Inc. for the construction of CIP#2 Improvements and authorize the Mayor to sign Change Order No. 4. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 4 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 4. The Change Order will add 125 days to the project.

Councilman Smith moved to approve and authorize the Mayor to sign Change Order No. 4 to the contract with Carstensen Contracting, Inc. for CIP #2, adding One Hundred Twenty-Five (125) days. The motion was seconded by Vice-Mayor Read.

Before the vote, Manager Stasiak addressed the Council explaining that One Hundred One (101) days were due to rain days and wet ground conditions, ten (10) days were from Change Order No. 2 and fourteen (14) days were from Change Order No. 3. He added that the additional days would change the completion date to September 30, 2015.

There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, Change Order No. 1 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Amendment Improvements and authorize the Mayor to sign Change Order No. 1. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 1 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Amendment Improvements and authorizing the Mayor to sign Change Order No. 1 which increases the Contract Price from \$1,083,261.40 to \$1,098,691.60.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve and authorize the Mayor to sign Change Order No. 1 to the contract with Carstensen Contracting, Inc. for CIP # 4 Amendment, increasing the contract price from \$1,083,261.40 to \$1,098,691.60.

Before the vote, Manager Stasiak addressed the Council explaining that this Change Order was basically to address a scrivener's error. He stated that this was for the Project limits and once the limits were reviewed, they did not add up to \$1,083,261.40 but to \$1,098,691.60, which was an increase of approximately \$15,000.00. He added that this was the area of the project from Wade Watts to Chadick Park.

Mayor Harrison commented that this was correcting a mathematical transfer error. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, accepting the bid amount of \$278,261.39 from Katcon, Inc. for the construction of drainage improvements on Illinois Avenue, from Ninth Street to Tenth Street, and authorizing the Mayor to sign the Notice of Award to Katcon, Inc., and

the Agreement to complete the drainage improvements. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve accepting the bid amount of \$278,261.39 from Katcon, Inc. for the construction of drainage improvements on Illinois Avenue, from Ninth Street to Tenth Street, and authorizing the Mayor to sign the Notice of Award of Katcon, Inc. and the Agreement to complete the drainage improvements.

A motion was made by Councilman Smith and seconded by Karr to accept the bid amount of \$278,261.39 from Katcon, Inc. for the construction of drainage improvements on Illinois Avenue, from Ninth Street to Tenth Street, and authorize the Mayor to sign the Notice of Award to Katcon, Inc., and the Agreement to complete the drainage improvements.

Before the vote, Public Works Operations Supervisor Adams addressed the Council explaining that in September 2012, the drainage study of the Ninth and Illinois area was completed and after advertising for bids on August 16 and 23, 2015, three (3) bids were received and opened on September 9, 2015. He stated that the City's consultant, Meshek & Associates, PLC, had reviewed the bids and had determined that Katcon, Inc. was the lowest, responsive and responsible bid and it was their recommendation that Katcon, Inc. be awarded the bid.

After discussion concerning where the drainage went to from Tenth Street, what the previous bids were, if the consultant was present, how long this area had been a problem, the difficulty of the project, the length of time the project would take, and how the estimate had been calculated, the vote was taken as follows:

AYE: Councilman Smith, Karr, Titsworth, Read & Mayor Harrison

NAY: Councilman Barnett & Garvin

Mayor Harrison declared the motion carried.

New Business

There was no New Business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that he had emailed information on a Change Order for CIP #3. He explained that it had been discovered that a connection for a fire line, for the Dollar Store and other businesses in the area, was connected to a water line that had been de-energized approximately ten (10) days before. He reminded them that there would not be another meeting before the October 13th Special Election and asked that they help get information regarding the election to the public. He stated that he would be in Washington D.C. at the Stampede September 28th through October 2nd. Manager Stasiak informed the Council that the second bid on the Archery Park had come in at \$219 thousand and the Archery Park was about an \$80 to \$90 thousand project with a \$60 thousand grant. He stated that they would be looking at different approaches to see if the City could do some of this project in house. He then informed

the Council that the City had received a Department of Justice grant in the amount of \$14,483.47 that would be for twenty-nine (29) bullet proof vests.

Remarks and Inquiries by City Council

Councilman Smith inquired about the Archery Park asking what had to be done.

Manager Stasiak explained that the major part was the restrooms and the shooting tower.

Councilman Garvin expressed appreciation for the affirmative action that had been taken on a water situation. He announced the “Old Town” Festival would begin with a Street Dance on Friday, October 2nd and continue on Saturday with the festival. He commented on the Mullin Park Playground project and asked about using the local radio to advertise the Special Election.

Mayor Harrison commented that the City could not spend public funds to promote an election, only to provide information.

Councilman Garvin commented on the Pocket Park in North Town and asked if the Street sweeper could clean Stonewall Avenue from West Street to Main Street.

Manager Stasiak stated that he would look into having that scheduled.

Councilman Titsworth, Read, Karr and Barnett did not have any comments for the evening.

Mayor’s Comments and Committee Appointments

Mayor Harrison did not have any comments for the evening.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:02 P.M.

Reconvene Council Meeting

The meeting was reconvened at 7:04 P.M.

Adjournment

There being no further business to come before the Council, Councilman Garvin moved for the meeting to be adjourned. The motion was seconded by Councilman Karr.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Smith, Titsworth, Read, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:05 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk